

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIC ANDREW PEREZ,	:	
	:	
Plaintiff,	:	
	:	24-CV-356 (VSB) (SN)
-against-	:	
	:	
DR. NEIL C. EVANS, <i>et al.</i> ,	:	<u>ORDER</u>
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

I am in receipt of Plaintiff’s motion for a temporary restraining order, filed on July 28, 2025. (Doc. 141.) I am currently in the process of reviewing Plaintiff’s objections, (Doc. 136) to Magistrate Judge Netburn’s Report and Recommendation, which recommends that I dismiss all of Plaintiff’s claims with prejudice, (Doc. 132). If I overrule Plaintiff’s objections and adopt the Report and Recommendation, I would have to deny Plaintiff’s motion for a temporary restraining order because Plaintiff cannot meet the minimum requirement of establishing the existence of sufficiently serious questions going to the merits of Plaintiff’s claims to make them a fair ground for litigation. *See Echo Design Grp., Inc. v. Zino Davidoff S.A.*, 283 F. Supp. 2d 963, 966 (S.D.N.Y. 2003) (“In order to prevail on a motion for a preliminary injunction and/or temporary restraining order, a party must establish . . . either (1) a likelihood of success on the merits of the underlying claim or (2) sufficiently serious questions going to the merits of the claim and a balance of hardships tipping decidedly in the moving party’s favor.”); *see also Bragg v. Jordan*, 669 F. Supp. 3d 257, 267 (S.D.N.Y. 2023) (“Where a party seeking a temporary restraining order fails to establish a likelihood of success on the merits, ‘there is no need to

address the other prongs of the analysis.” (quoting *Oneida Nation of New York v. Cuomo*, 645 F.3d 154, 164 (2d Cir. 2011))). Therefore, Defendants need not respond to the motion for a temporary restraining order until I issue my opinion regarding the pending Report and Recommendation.

SO ORDERED.

Dated: August 1, 2025
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and the last name "Broderick" follows in a similar cursive script.

Vernon S. Broderick
United States District Judge

EXHIBIT 1